

Appl. No. 10/811,042
Amtd. dated August 8, 2006
Reply to Office Action of February 8, 2006
Attorney Docket 17540

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AMENDMENTS TO THE DRAWINGS

Attached to the end of this paper is a proposed replacement sheet of drawings in which the changes suggested by the Examiner have been incorporated. No new matter has been added.

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REMARKS/ARGUMENTS

Claims 1-4, 6-12, and 15-16 are currently pending for examination. Claims 5, 13-14 and 17 are cancelled as of this amendment. Claims 1, 9, and 15-16 are presently amended.

Drawings

The drawings were objected to by the Examiner. The Office Action provides:

"The drawings are objected to because in figures 2 and 3, "Loader Valves and Actuators" must be relabeled -Loader Open Center Valves and Actuators--; "Boom Swing V. and A." must be relabeled - Boom Swing Closed Center Valve and Actuator-, "Other Backhoe Valves and Actuators" must be relabeled - Other Backhoe Closed Center Valves and Actuators - and "Backhoe Valves and Actuators" must be relabeled -Backhoe Closcd Center Valves and Actuators--."

Figures 2 and 3 have been amended has suggested by the examiner. A replacement sheet showing amended Figures 2 and 3 is attached to the end of this paper. Withdrawal of the objection is respectfully requested.

Rejection of Claims 5 and 14 under 35 U.S.C. 112

Claims 5 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action provides:

"In claim 5 line 2-3 "the second pump being responsive to some loads" and claim 14 line 1-2 "the second pump is...responsive to at least one load" are wrong since the second pump is a fixed displacement pump and is not responsive to any load. It is understood that there is a reloader valve connected to the second pump, which is responsive to some loads, but this is not the second pump."

Claims 5 and 14 have been cancelled thus obviating the need to address their rejection. However, applicant wishes to point out that the significant limitations of claims 5 and 14 have been amended to include a reloader valve responsive to some loads as indicated by the examiner and incorporated into claims 1 and 9 respectively. Withdrawal of the rejection is respectfully requested.

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Rejection of Claims 1-4, 6, 7, 9-13, 15 and 16 under 35 U.S.C. 103

Claims 1-4, 6, 7, 9-13, 15, and 16 are rejected under 35 U.S.C. 103 as being unpatentable over Lech (5,471,908) in view of Lech et al (5,413,452).

Claims 1 has been amended to include the corrected limitation of previous claim 5, “a second hydraulic pump coupled to and driving the plurality of closed center hydraulic valves via a reloader valve, the reloader valve being responsive to some loads that control the priority valve and independent of other loads that control the priority valve.” Applicant respectfully submits that the cited art of Lech at minimum fails to teach or disclose such limitation. Likewise, the applicant respectfully points out that previous claim 5 was only rejected on a 112 basis due to referencing of the second pump instead of the reloader valve which has been corrected as of this amendment as semi-suggested by the examiner.

As such, Claim 1 as presently presented is believed to be allowable over the cited art. Claims 2-4 and 6-8 depend from Claim 1 and are believed to be allowable for at least the same reason as Claim 1. Withdrawal of the rejection is respectfully requested.

Claim 9 has been similarly amended as Claim 1 to include the previous limitation of Claims 13-14, and Claim 14 like Claim 5 was also only previously rejected on a 112 basis. Applicant respectfully submits that the cited art fails to teach or suggest all the limitations of Claim 9.

As such, Claim 9 as presently presented is believed to be allowable over the cited art. Claims 10-12 and 15-16 depend from Claim 9 and are believed to be allowable for at least the same reason as Claim 9. Withdrawal of the rejection is respectfully requested.

Rejection of Claims 8 and 17

Claims 8 and 17 are rejected under 35 U.S.C. 103 as being unpatentable over Lech (5,471,908) in view of Lech et al (5,413,452), as applied to claims 7 and 16, respectively, above, and further in view of Johnston.

Claim 8 depends from Claim 1, which claims, in-part, “the reloader valve being responsive to some loads that control the priority valve and independent of other loads that control the priority valve.” Applicant respectfully submits that the cited additional reference of Johnson at minimum fails to teach or suggest such a limitation not taught or suggested by the previously cited art above. As such, Claim 8 is believed to be allowable over the cited art.

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Claim 17 has been cancelled thus obviating the need to address the rejection. Withdrawal of the rejection is respectfully requested.

Rejection of Claims 1-4 and 6

Claims 1-4 and 6 are rejected under 35 U.S.C. 103 as being unpatentable over Lech et al (5,413,452) in view of Gage et al (4,809,586).

Applicant respectfully submits that at minimum the cited references fail to teach or disclose "a second hydraulic pump coupled to and driving the plurality of closed center hydraulic valves via a reloader valve, the reloader valve being responsive to some loads that control the priority valve and independent of other loads that control the priority valve" as claimed in Claim 1. As such, Claim 1 should be allowed over the cited art. Claims 2-4 and 6 depend from Claim 1 and should be allowed over the cited art for at least the same reason as Claim 1. Withdrawal of the rejection is respectfully requested.

Rejection of Claims 1, 2 and 6

Claims 1, 2 and 6 are rejected under 35 U.S.C. 103 as being unpatentable over Cascy et al in view of Gage et al (4,809,586).

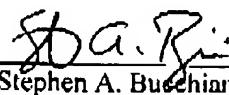
Applicant respectfully submits that at minimum the cited references fail to teach or disclose "a second hydraulic pump coupled to and driving the plurality of closed center hydraulic valves via a reloader valve, the reloader valve being responsive to some loads that control the priority valve and independent of other loads that control the priority valve" as claimed in Claim 1. As such, Claim 1 should be allowed over the cited art. Claims 2 and 6 depend from Claim 1 and should be allowed over the cited art for at least the same reason as Claim 1. Withdrawal of the rejection is respectfully requested.

A fee in the amount of \$1020 for a three month extension of time under 37 CFR 1.17(a)(3) is believed due in connection with this Amendment. Please find included with this transmission a Petition form for such extension. The Commissioner is hereby authorized to charge such fee, as well as any other fee determined to be due to Deposit Account No. 14-0780.

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In view of the above remarks, it is believed that the application is in condition for allowance. Accordingly, an early Notice of Allowance is respectfully requested.

Respectfully submitted,



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